REMARKS

As a preliminary matter, Applicants traverse the outstanding Office Action as being nonresponsive. Section 707.07(f) of the MPEP places a burden upon the Examiner, when repeating a previous rejection, to first answer the substance of the meritorious arguments presented by Applicants traversing such a rejection. In the present case, however, the Examiner has not done so.

For example, the Examiner has again, in the present Office Action, rejected claims 5 and 17-18 under Section 102 based on Kohama et al. (U.S. 5,546,070). The Examiner though, had previously rejected these same three claims under Section 102, based on the same reference, in the prior Office Action mailed March 12, 2003. Applicants fully traversed that prior rejection in Amendment B, filed June 12, 2003, and provided several pages of meritorious arguments in support the traversal. In response, however, the Examiner merely withdrew the rejection from subsequent Office Actions, without answering or otherwise commenting on Applicants' arguments.

Accordingly, the Examiner is not relieved of his burden to answer Applicants' arguments by merely withdrawing a rejection for a time, and repeating it only in a later Office Action. Section 707.07(f) refers to any repeated rejection, and not only *immediately* repeated rejections. For at least these reasons therefore, the outstanding Office Action should be vacated, and the Examiner should answer all of Applicants' previously meritorious arguments traversing the same rejections, and also Applicants' previous arguments

challenging the Examiner's reliance upon particular features of individual references that are also repeated in the present Office Action. All such previous responses by Applicants are therefore incorporated by reference herein.

As a second preliminary matter, Applicants thank the Examiner for the allowance of claims 1-2 and 4, and the acknowledgement of allowable subject matter in claim 8.

Claims 5 and 7-18 again stand rejected under 35 U.S.C. 102(b) as being anticipated by Kohama. Applicants respectfully traverse this rejection for at least the reasons of record, and as follows. The Examiner has not identified any feature or element from Kohama that could reasonably be interpreted to be a "frame-shape structure" as clearly recited in the present invention.

The Examiner has again cited to a structural element of Kohama that cannot be interpreted to have a "frame-shape" by any reasonable interpretation. Kohama's spacer wall 40 simply does not have a "frame-shape" structure. Kohama clearly illustrates, in Fig. 1, that the spacer wall 40 is a linear barrier only, and one which does not have any portions branching in another direction to constitute a frame-shape or enclosure. A "frame" as defined in standard dictionaries as being "an enclosing structure or case." Such a definition is also entirely consistent with the Specification to the present Application, and it is these teachings of the Specification by which the Examiner is limited to interpreting the claims of the present invention. Because the Examiner has never identified any structure from Kohama

which could be reasonably interpreted to be analogous to the frame-shape structure of the present invention, the repeated rejection of claim 5 of the present invention is again respectfully traversed, and should be withdrawn.

Additionally, Applicants further submit that Kohama's spacer wall 40 could not even function as a frame-shape structure. The frame-shape structure of the present invention, and particularly as recited in claim 5, has an additional ability to separate the main seal of the structure from the liquid crystal within it. The liquid crystal in Kohama's structure though, will contact the seal. Although these advantages of the present invention are not expressly recited within claim 5, they are significant to point out because they further distinguish how Kohama's spacer wall 40 cannot be reasonably interpreted to be, or function as, a frame-shape structure by any definition.

With respect to claim 17 (and its dependent claim 18), Applicants respectfully direct the Examiner's attention to Applicants' previous arguments which pointed out how Kohama clearly teaches that liquid crystal is placed at the opening of Kohama's seal member 30, and then charged into the gap between the substrates 10, 20 by vacuum pressure. (Col. 6, lines 7-20). Kohama's teachings in this respect are commonly known in the art as the vacuum injection method, a method which is known to those skilled in the art as being significantly different from the instilling method, in which liquid crystal molecules are dropped directly onto a substrate surface.

In contrast, the claim language of claim 17 of the present invention clearly refers to instilling by featuring structures which are directed to controlling the spread of dropped liquid crystal. Accordingly, the structures in Kohama cited by the Examiner cannot be relevant to those of the present invention, because Kohama does not control any spread of dropped liquid crystal. Kohama only addresses the speed of vacuum injected liquid crystal. The Examiner has never answered nor rebutted these arguments. The rejection of claims 17 and 18 based on Kohama is also therefore respectfully traversed, and should be withdrawn.

Claim 9 stands rejected under 35 U.S.C. 102(e) as being anticipated by von Gutfeld et al. (U.S. 6,179,679). Applicants respectfully traverse this rejection because the cited reference does not teach (or suggest) a light reflection layer having a concave-convex structure with inclined surfaces, or that such a layer is formed only in an area under the sealing material on the substrate, as in claim 9 of the present invention, as last amended.

The Examiner's assertion that von Gutfeld's light reflection layer 401 has a concave-convex structure with inclined surfaces is erroneous. Von Gutfeld specifically teaches that the light reflection layer is "smooth, preferably unpolished with micron sized asperities to provide diffuse reflection." (Col. 4, lines 32-34). In other words, von Gutfeld teaches the opposite of the concave-convex structure with inclined surfaces of the present invention. Again, Applicants respectfully remind the Examiner that he is required to interpret the claims of the present invention in light of the teachings of the Specification.

Nothing in Fig. 4 of von Gutfeld illustrates anything that could be fairly interpreted to be analogous to the unambiguous teachings of the Specification to the present Application relating to a concave-convex structure with inclined surfaces. Fig. 4 of von Gutfeld illustrates the reflector 401 as a generally flat, but roughened ("micron sized asperities"), surface layer. No inclined surfaces are shown, nor could the roughened surface be reasonably interpreted to be a "concave-convex structure." Accordingly, for at least these reasons, the Section 102 rejection of claim 9 based on von Gutfeld is respectfully traversed, and should be withdrawn.

Moreover, nowhere does von Gutfeld teach (or even suggest) that the reflector 401 is formed only in an area to be under the sealing material on the substrate. Although von Gutfeld does show that the reflector 401 is formed under the sealant strip 101 on the substrate 104, nowhere does von Gutfeld teach that the reflector 401 is formed only under the sealant strip. Applicants respectfully remind the Examiner that he is required to examine all words of the claim, and not merely those that may correspond to some teachings in the prior art.

Claim 9 of the present invention limits the light reflection layer to be formed only in the area under the sealing material. Von Gutfeld, on the other hand, makes no such distinction or limitation. Without such a distinction, a *prima facie* case of anticipation cannot be established against claim 9 of the present invention based on von Gutfeld. Accordingly, for at least these additional reasons, the rejection of claim 9 is further traversed, and again should be withdrawn.

Additionally, Von Gutfeld's light reflection layer is further different from the present invention in that it could not even be obviously modified to read upon the present invention. The light reflection layer of the present invention has the additional advantages of not having its scattered light incident to the display area, because its concavo-convex structure is formed only in an area under the sealing material. In addition to failing to disclose the actual structure of the present light reflection layer, as discussed above, Von Gutfeld further fails to disclose or suggest any of these addition advantages of the present invention with respect to incident light. Accordingly, there could be no motivation to modify the teachings of Von Gutfeld under a theory of obviousness to reach the present invention.

Claim 19 stands rejected under 35 U.S.C. 102(b) as being anticipated by Yamanochi (JP 7-168195). Applicants first traverse this rejection because the Examiner rejects claim 19 under Section 102 based only on Yamanochi, but cites two drawings from a different reference (Fujioka) as support of the rejection. Applicants further traverse the rejection because Yamanochi fails to teach (or suggest) a convex shape structure in a frame shape between a sealing material and a display area on a substrate, as in claim 19 of the present invention.

Yamanochi discloses a liquid crystal display element having an outer sealant 18 formed on a substrate 11, and an inner frame/seating rim 19 formed inside the sealant 18 with a clearance 21 therebetween to absorb excess liquid crystal into the clearance 21. (See paragraph [0017]). Yamanochi further teaches that the frame/rim 19 may flex (see

Constitution), and clearly shows in Fig. 1 that such flexure forms a concave shape. Fig. 1 is also the only drawing shown by Yamanochi that illustrates the shape of the frame/rim 19 when excess liquid crystal will overflow from the display area.

In contrast, claim 19 of the present invention clearly recites that the structure provided between the sealing material and the display area of the present invention is a convex shape structure. Claim 19 therefore, recites just the opposite shape to the structure as that shown in Fig. 1 of Yamanochi. Applicants further point out to the Examiner that this very claim was amended previously by Applicants just to correct such a misunderstanding between concave and convex shapes. Accordingly, because the cited reference discloses only a concave shape structure, and not a convex shape structure, the Section 102 rejection of claim 19 is respectfully traversed, and should be withdrawn.

Additionally, in the interests of expediting prosecution only, Applicants have further amended claim 19 to recite that the convex shape structure of the present invention is for defining a cell gap between the substrates. Yamanochi, on the other hand, does not teach or suggest such features. Yamanochi teaches that the inner frame 19 has flexibility for absorbing excess liquid crystal, which flexibility precludes the frame 19 from defining a cell gap. According to the recited structure of the present invention, however, the convex shape must have a degree of structural rigidity to define the cell gap, and therefore it will not absorb the liquid crystal as required by Yamanochi. Accordingly, for at least these additional reasons, the rejection of claim 19 is further traversed.

Claim 20 stands rejected under 35 U.S.C. 102(e) as being anticipated by Nishiguchi et al. (U.S. 6,226,067). Applicants respectfully traverse this rejection for at least the reasons of record, and as follows. The Examiner has not established how it is inherent that Nishiguchi's resin structure 7 must function as a suction in an atmosphere, as in claim 20 of the present invention.

The Examiner asserts that the suction function for Nishiguchi's resin structure 7 is inherent because the structure 7 has "adhesion property and high air-tightness seal." Nothing in this cited teaching from Nishiguchi, however, teaches or suggests a suction. The adhesion and airtight seal properties, without any additional teachings, could easily be just as applicable to an outward *pressure* from the material sealed within the device, or even a simple contaminant-free environment without any pressures, and not a suction. To establish inherency, the Examiner is required to demonstrate that all of the claimed features of the present invention must be present in the teachings of the single prior art reference. The mere possibility alone, that such features *might* be present, is insufficient to establish inherency. It is "well settled that anticipation cannot be predicated on mere conjecture." The Examiner has accomplished no more than the assertion of a rationale for how a suction *might be* applied to *some* configurations in Nishiguchi. W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 1544, 220 U.S.P.Q. 303, 314 (Fed. Cir. 1983). Accordingly, the Examiner has failed to adequately rebut Applicants' previous meritorious arguments, and the rejection of claim 20 based on Nishiguchi should be withdrawn for at least these reasons.

Additionally, the Examiner further contradicts his own assertions of inherency by acknowledging that the opening in the structure 7 of Nishiguchi "*may be* provided as necessary," and also that the opening in the structure "is optional." (Page 9 of Paper No. 0804). The Examiner therefore, expressly acknowledges that the structure shown by Nishiguchi in Fig. 30 is subject to other possible interpretations than what is claimed by claim 20 of the present invention. Again, "mere possibilities" do not satisfy the requirements of a finding of inherency. The Examiner has thus acknowledged that Nishiguchi does not expressly teach a suction for the structure 7, and also that Nishiguchi's structure is subject to other possible interpretations than the clearly recited features of the present invention. Inherency therefore, has not been established. And because Applicants' previous arguments in this regard have not been adequately rebutted, the Section 102 rejection of claim 20 based on Nishiguchi must be withdrawn.

Lastly, although not specifically recited in claim 20, the invention of claim 20 realizes specific advantages over the cited prior art that further highlight how the recited features of claim 20, as discussed above, are patentably distinct over Nishiguchi. The recited suction features of claim 20 allow the invention to realize the advantage of not having the seal material peeling off from the substrate when the panel is bent. The hollow frame-shape sealing material holds the structure together when operating as a suction. Nishiguchi, on the other hand, does not teach or suggest any such advantages, or even objectives, and therefore

fails to provide any support for the Examiner's contradictory assertion that Nishiguchi may be able to achieve such results.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kohama in view of Anderson et al. (U.S. 6,067,142), and claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kohama in view of Nishiguchi. Applicants respectfully traverse the rejection of both of these claims for at least the reasons of record, those discussed above, and as follows. The Examiner has not answered any of Applicants' previous meritorious arguments sufficiently detailing how Kohama fails to teach any "frame-shape structure" analogous to the unequivocal claim language of the present invention.

The Examiner does not cite either the Anderson reference with respect to claim 6, or the Nishiguchi reference with respect to claim 7, for teaching such a frame-shape structure. As discussed above, the Examiner relies only upon the Kohama reference, and specifically element 40, for showing such a "frame-shape" feature. As discussed above with respect to independent claim 5 though, no such structure is shown by Kohama. Claims 6 and 7 both depend from independent claim 5, and therefore include all of the features of the base claim, plus additional features. Accordingly, the rejection of these two claims is also traversed fro at least the same reasons, and should be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-2, 4-9, and 17-20 is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned Attorney if an interview would expedite prosecution.

Respectfully submitted,

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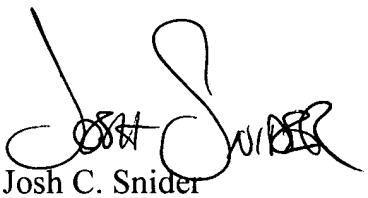
By 
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